

Application No.: 10/669,498

4

Docket No.: 259052003400

REMARKS

Claims 1, 3, 5-9 and 11-16 are pending in the present application. By virtue of this response, Claims 1 and 13 have been amended and claims 11 and 14-16 have been canceled. Accordingly, Claims 1, 3, 5-9, and 12-13 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Rejections under 35 USC § 102

Claims 13 and 16 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by JP 08-202247 ("247").

With respect to claim 13 the applicants assert that the "247" reference fails to teach all the limitations of currently amended claim 13. At a minimum the "247" reference fails to teach "wherein the coherence reducing member comprises a reflective member having a roughened reflective surface, the roughened reflective surface having a roughness such that a level difference of undulations thereof is several times to several tens times the wavelength of the laser beam". Accordingly, the "247" reference fails to teach all the limitations of currently amended claim 13 and thus the rejection should be withdrawn.

Claim 16 has been canceled and thus the rejection is moot.

Claims 1, 3, 5-7 and 9 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by US 6,856,087 to Lin et al. ("Lin").

Claim 1 has been amended to add the limitation "wherein the protective plate contains the same material as the fluorescent material" and to delete the limitation "wherein the laser beam emitted from the laser chip is reflected by the reflective member and converted into the light beam having the greater wavelength, and the protective plate allows the light beam to pass therethrough and prevents the laser beam from passing therethrough".

pa-1077313

Application No.: 10/669,498

5

Docket No.: 259052003400

With respect to claim 1, the applicants assert the Lin reference fails to teach wherein the protective plate contains the same material as the florescent material". As stated by the Examiner "there is no suggestion in the prior art ... for the protective plate to contain the same material as the florescent material" (see e.g. paper no. 20060425, page 6). Accordingly, the Lin reference fails to teach all the limitations of the currently amended claim 1 and thus the rejection should be withdrawn.

The rejection of claims 3, 5-7, and 9 should be withdrawn for at least the reason the they depend on an allowable base claim.

Rejections under 35 U.S.C. 103

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "247" reference in view of Komoto.

Claims 14-15 have been canceled and thus the rejection is moot.

pa-1077313

Application No.: 10/669,498

6

Docket No.: 259052003400

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Attorney Docket No. **259052003400**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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pa-1077313